

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA §
§
v. §
§
BILLY SHAWN PARKER §

CRIMINAL NO. 6:06-CR-95-18

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 1, 2011, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Billy Shawn Parker. The government was represented by Jim Middletom, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Court appointed attorney Carlo D'Angelo.

Defendant originally pled guilty to the offense of Possession with Intent to Distribute Methamphetamine, a Class C felony. The offense carried a statutory maximum imprisonment term of 20 years. The United States Sentencing Guideline range, based on a total offense level of 15 and a criminal history category of III, was 24 to 30 months. On October 11, 2007, District Judge Leonard Davis sentenced Defendant to 30 months imprisonment followed by 3 years supervised release subject to the standard conditions of release, plus special conditions to include access to any requested financial information and substance abuse testing and treatment. On January 27, 2009, Defendant completed the term of imprisonment and began the term of supervised release.

Under the terms of supervised release, Defendant was required, in relevant part, to report to the probation officer and submit a written report within the first five days of each month. In its petition, the government alleges that Defendant violated his term of supervised release by failing to

submit a written report for the months of May, June and July 2011.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to submit monthly reports for three months, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). The Court shall then revoke supervised release or extend the term of supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 months. U.S.S.G. 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the above-referenced allegations in the government's petition. In exchange, the government agreed to recommend that Defendant serve 7 months imprisonment with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Defendant be committed to the custody of the Bureau of Prisons ("BOP") for a term of imprisonment of 7 months, with no supervised release to follow.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 2nd day of December, 2011.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE